

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

KEITH BROOKS,

Petitioner,

vs.

ATTORNEY GENERAL OF THE  
STATE OF NEB., and UNITED  
STATES DISTRICT COURT FOR  
THE DISTRICT OF OMAHA, NEB,

Respondents.

**8:24CV471**

**MEMORANDUM AND ORDER**

This matter is before the Court on Petitioner's correspondence dated February 27, 2025, which the Court docketed as a Motion for Leave to Proceed in Forma Pauperis ("IFP"). Filing No. 11. For the reasons that follow, Petitioner's motion will be denied, and the Court will direct Petitioner to file a new IFP motion that complies with 28 U.S.C. § 1915.

On December 11, 2024, the Court directed Petitioner to submit the \$5.00 filing fee to the Clerk's office or submit a request to proceed IFP by January 10, 2025. Filing No. 3. The Court's order was returned as undeliverable, and Petitioner was ordered to update his address by March 12, 2025. Filing No. 8. Petitioner filed a notice of change of address on February 25, 2025, and a copy of the Court's December 11, 2024, order was sent to Petitioner at his updated address at the Sarpy County Jail. Petitioner then filed the present IFP Motion on March 4, 2025.

While Petitioner's present motion indicates he cannot pay the \$5.00 filing fee and would like to proceed IFP, his motion does not comply with the terms of 28 U.S.C. § 1915, the statute authorizing proceedings in forma

pauperis. *See* 28 U.S.C. § 1915(a)(1) (requiring submission of “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor”). Petitioner has the choice of either submitting the \$5.00 filing fee to the Clerk’s office or submitting a request to proceed in forma pauperis that complies with 28 U.S.C. § 1915. If Petitioner chooses to do the latter, the enclosed pauper’s forms should be completed and returned to this Court. Failure to take either action within 30 days may result in the Court dismissing this case without further notice to Petitioner.

IT IS THEREFORE ORDERED that:

1. Petitioner’s IFP Motion, Filing No. 11, is denied without prejudice to reassertion in a motion that complies with 28 U.S.C. § 1915.

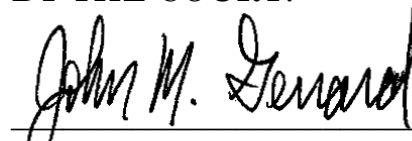
2. Petitioner is directed to submit the \$5.00 fee to the Clerk’s office or submit a request to proceed in forma pauperis that complies with 28 U.S.C. § 1915 within 30 days. Failure to take either action will result in dismissal of this matter without further notice.

3. The Clerk of the Court is directed to send to Petitioner the Form AO240 (“Application to Proceed Without Prepayment of Fees and Affidavit”).

4. The Clerk of the Court is directed to set a pro se case management deadline in this matter with the following text: **April 3, 2025:** Check for MIFP or payment.

Dated this 4th day of March, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "John M. Gerrard", is written over a horizontal line.

John M. Gerrard  
Senior United States District Judge